

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Pickett

H.B. No. 2204

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Transportation Commission to establish variable speed limits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.353, Transportation Code, is amended by adding Subsection (k) to read as follows:

(k) The commission by rule may establish a variable speed limit program to allow the temporary lowering of a prima facie speed limit to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway for which the commission has the authority to establish a speed limit. Notice of a speed limit established under the program may be displayed using a stationary or portable changeable message sign, as defined by Section 544.013. A speed limit that is established under the program:

(1) must be based on an engineering and traffic investigation;

(2) may be effective for all or a designated portion of the highway and may be effective for any period of the day or night, as the department determines necessary; and

(3) is effective only when the speed limit is posted and only if a sign notifying motorists of the change in speed limit is posted not less than 500 feet but not more than 1,000 feet before the point at which the speed limit begins.

1 SECTION 2. This Act takes effect September 1, 2013.

ADOPTED

MAY 22 2013

*Henry Lopez*  
Secretary of the Senate

By: Pickett/Watson

H.B. No. 2204

Substitute the following for H.B. No. 2204:

By: John P. Ratliff

C.S. H.B. No. 2204

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the establishment of a variable speed limit pilot  
3 program by the Texas Transportation Commission.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. DEFINITIONS. In this Act:

6 (1) "Commission" means the Texas Transportation  
7 Commission.

8 (2) "Department" means the Texas Department of  
9 Transportation.

10 SECTION 2. VARIABLE SPEED LIMIT PILOT PROGRAM. (a) The  
11 commission by rule shall establish and the department shall  
12 implement a variable speed limit pilot program to study the  
13 effectiveness of temporarily lowering prima facie speed limits to  
14 address inclement weather, congestion, road construction, or any  
15 other condition that affects the safe and orderly movement of  
16 traffic on a roadway. Notice of a speed limit established under the  
17 pilot program may be displayed using a stationary or portable  
18 changeable message sign, as defined by Section 544.013,  
19 Transportation Code.

20 (b) The commission shall select up to three locations to  
21 test the pilot program.

22 (c) The commission shall inform the Department of Public  
23 Safety and any affected local law enforcement agency about the  
24 pilot program and the locations that are being used to test the

1 pilot program.

2 (d) A speed limit that is established under the pilot  
3 program:

4 (1) must be based on an engineering and traffic  
5 investigation;

6 (2) may be effective for all or a designated portion of  
7 the highway and may be effective for any period of the day or night,  
8 as the department determines necessary; and

9 (3) is effective only when the speed limit is posted  
10 and only if a sign notifying motorists of the change in speed limit  
11 is posted not less than 500 feet but not more than 1,000 feet before  
12 the point at which the speed limit begins.

13 SECTION 3. REPORT. Not later than December 31, 2014, the  
14 commission shall submit a report to the legislature that includes  
15 information about the pilot program, the results of the pilot  
16 program, and any recommendations for statutory changes based on the  
17 results of the pilot program.

18 SECTION 4. EXPIRATION. This Act expires February 1, 2015.

19 SECTION 5. EFFECTIVE DATE. This Act takes effect  
20 immediately if it receives a vote of two-thirds of all the members  
21 elected to each house, as provided by Section 39, Article III, Texas  
22 Constitution. If this Act does not receive the vote necessary for  
23 immediate effect, this Act takes effect September 1, 2013.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 23, 2013**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2204** by Pickett (Relating to the establishment of a variable speed limit pilot program by the Texas Transportation Commission.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to require the Texas Transportation Commission by rule to establish a variable speed pilot program to be implemented by the Texas Department of Transportation (TxDOT) to study the effectiveness of lowering of a prima facie speed limit to address inclement weather, congestion, construction, or any other condition that impacts the safe movement of traffic. The bill would require that a speed limit established under the program be based on a traffic and engineering investigation. The bill would require the Texas Transportation Commission to submit a report to the Legislature regarding the pilot program. The provisions of the bill would expire on February 1, 2015.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation, 405 Department of Public Safety

**LBB Staff:** UP, SD, AG, TG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 17, 2013**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2204** by Pickett (Relating to the establishment of a variable speed limit pilot program by the Texas Transportation Commission.), **Committee Report 2nd House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Transportation Code to require the Texas Transportation Commission by rule to establish a variable speed pilot program to be implemented by the Texas Department of Transportation (TxDOT) to study the effectiveness of lowering of a prima facie speed limit to address inclement weather, congestion, construction, or any other condition that impacts the safe movement of traffic. The bill would require that a speed limit established under the program be based on a traffic and engineering investigation. The bill would require the Texas Transportation Commission to submit a report to the Legislature regarding the pilot program. The provisions of the bill would expire on February 1, 2015.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation, 405 Department of Public Safety

**LBB Staff:** UP, AG, TG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 15, 2013**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2204** by Pickett (Relating to the authority of the Texas Transportation Commission to establish variable speed limits.), **As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Transportation Code to authorize the Texas Transportation Commission by rule to establish a program to allow for the temporary lowering of a prima facie speed limit to address inclement weather, congestion, construction or any other condition that impacts the safe movement of traffic. The bill would require that a speed limit established under the program be based on a traffic and engineering investigation.

Based on the information provided by the Texas Department of Transportation, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 601 Department of Transportation

**LBB Staff:** UP, AG, TG

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 11, 2013**

**TO:** Honorable Larry Phillips, Chair, House Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2204** by Pickett (Relating to the authority of the Texas Transportation Commission to establish variable speed limits.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to authorize the Texas Transportation Commission by rule to establish a program to allow for the temporary lowering of a prima facie speed limit to address inclement weather, congestion, construction or any other condition that impacts the safe movement of traffic. The bill would require that a speed limit established under the program be based on a traffic and engineering investigation.

Based on the information provided by the Texas Department of Transportation, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 601 Department of Transportation

**LBB Staff:** UP, AG, TG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 24, 2013**

**TO:** Honorable Larry Phillips, Chair, House Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2204** by Pickett (Relating to the authority of the Texas Transportation Commission to establish variable speed limits.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to authorize the Texas Transportation Commission by rule to establish a program to allow for the temporary lowering of a prima facie speed limit to address inclement weather, congestion, construction or any other condition that impacts the safe movement of traffic. The bill would require that a speed limit established under the program be based on a traffic and engineering investigation.

Based on the information provided by the Texas Department of Transportation, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 601 Department of Transportation

**LBB Staff:** UP, AG, TG